IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 1550 of 2005

Between:

M.I.Khan, s/o.Late Mohd. Qashimkhan, Conductor, E.No.94346
R/o.19-3-117/4/D/1, opp: Boys Stops, Januma,
Hyderabad.

... PETITIONER

AND

1 APSRTC, Musheerabad, Hyderabad. rep.by its Managing

Director.
2 The Depot Manager, APSRTC, Bus Depot, Falaknuma,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or direction particularly one in the nature of writ of certiorari, quash the impugned Proc.No.02/95/ (13)/04-FM, dated 03-12-2004 and direct the respondents to reinstate the petitioner into service along with all consequential benefits in the interest of justice and fair play.

Counsel for the Petitioner: MR.V.NARASIMHA GOUD
Counsel for the Respondents: MR.V.T.M.PRASAD

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Certiorari, to quash the impugned Proc.No.02/95 (13) / 04-FM dated 03-12-2004 and direct the respondents to reinstate the petitioner into service along with all consequential benefits.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents.

3. Learned counsel for the petitioner contends that neither the passengers were examined, nor their statements were recorded. Therefore, he submits that it is a case based upon no evidence.

4. Admittedly, against the impugned order passed by the second respondent, the Depot Manager, dated 03-12-2004, an appeal lies to the Divisional Manager. The jurisdiction of the authority that passed the impugned order is not challenged in the present writ petition. All aspects raised in the petition are to be considered and decided by the appellate authority.

5. Under those circumstances, without going into the merits of the case, the writ petition is disposed of with a liberty to the petitioner to avail such other remedies available to him under law. No order as costs.

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K.C. BHANU, J

February 3, 2005

MRR

Copy to:

1 The Managing Director APSRTC, Musheerabad, Hyderabad.
2 The Depot Manager, APSRTC, Bus Depot, Falaknuma,

Hyderabad.

3 Two C.D. Copies.